



APPROVED NOVEMBER 9, 2005

**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
OCTOBER 26, 2005**

REGULAR MEETING MINUTES

PRESENT: David Gulino, Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Jeffrey Schwartz, Commissioner
Steven Steinke, Commissioner

ABSENT: Steve Steinberg, Vice-Chairman
Eric Hess, Commissioner

STAFF PRESENT: Mac Cummins
Tim Curtis
Lucia Galav
Phillip Kercher
Sherry Scott
Al Ward
Kira Wauwie

CALL TO ORDER/ROLL CALL

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:15 p.m. A formal roll call confirmed members presented as stated above.

MINUTES REVIEW AND APPROVAL

1. October 19, 2005 (Study Session included)

**COMMISSIONER STEINKE MOVED TO APPROVE THE STUDY SESSION
AND THE REGULAR MINUTES OF THE OCTOBER 19, 2005 PLANNING**

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COMMISSION MEETING. SECONDED BY COMMISSIONER HEITEL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

Upon clarification by Chairman Gulino, Commissioner Barnett confirmed the desire to move case 16-AB-2005 (Cascabel 1 & 2) to the regular agenda.

CONTINUANCES

2. 20-ZN-2005 (Windmill Pass)

Ms. Galav confirmed that staff has not received a status update from the Applicant and suggested that the Commission consider continuing the case to the next meeting, for an official update.

Commissioner Schwartz noted that the general plan amendment has been withdrawn and questioned the continuance in that regard. Ms. Galav informed the Commission that the two cases are separate matters and Council has indicated that Windmill Pass case can move forward and officially be denied.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE NUMBER 20-ZN-2005 (WINDMILL PASS) TO THE NOVEMBER 9TH MEETING. SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

5. 7-AB-2005 (Pinnacle Peak Place)

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE 7-AB-2005 (PINNACLE PEAK PLACE). SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

Upon request for clarification from the audience, Chairman Gulino confirmed that the above approved case was 7-AB-2005. Chairman Gulino acknowledged receipt of a request by David Bresnahan to address the meeting regarding the case.

David Bresnahan, Desert Highlands, Lot number 377, addressed the Commission, expressing concern regarding the amount of traffic that enters out onto Pima Road and the speed at which the traffic travels. Mr. Bresnahan requested that north and south turn lanes be installed, the road be widened, the speed reduced from 55 mph to 45 mph, and a signal light added.

Commissioner Schwartz informed Mr. Bresnahan that the Commission will be discussing the particular site at the next hearing and suggested that Mr. Bresnahan attend. He also suggested that Mr. Bresnahan attend the Development Review Board hearing regarding the case.

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In response to inquiry by Commissioner Heitel regarding the status of the plat, Mr. Curtis confirmed that the preliminary plat was approved and is in the final plan review process, with anticipation of a final plat in December.

Discussion ensued regarding the ingress/egress issues presented by Mr. Bresnahan. Chairman Gulino noted that the case is simply an abandonment of an existing roadway while the issues presented by Mr. Bresnahan are issues related to Pima Road. He noted that if there is in-fact a dilemma with getting ingress and egress on that property, a stipulation would be needed to the 80 lots requiring some widening on Pima Road and opined that the issue should be addressed via the other portions of the case.

Upon request for confirmation by Chairman Gulino and Commissioner Heitel, Phil Kercher confirmed that a two-way left turn lane was installed fairly recently on Pima Road to provide the left-turn movement into the site. Additionally, right-turn deceleration lanes are stipulation requirements as part of the preliminary plat. He further informed the Commission that anticipation of a future signal at that location was part of the intent in realigning the street with the street on the west.

Upon further request for clarification by Commissioner Heitel, Mr. Kercher confirmed that the noted stipulations are specific to the preliminary plat.

Chairman Gulino asked whether any of the Commissioners wished to reconsider their previous vote. Upon hearing none, the prior motion to recommend approval stands.

REGULAR AGENDA

3. 16-AB-2005 (Cascabel 1 & 2)

Upon request by Commissioner Barnett for a brief presentation, Mr. Ward presented the case. Highlights of the presentation included an overview of the abandonment request. Staff recommends approval.

Commissioner Barnett queried the matter with respect to the approval of the lot-split prior to the proposed request for abandonment. Acknowledging that the lot-split cannot move forward without the abandonment, Commissioner Barnett queried the process. Mr. Ward explained that the land division occurred April 15, 2005 and is conditional at this point. The project stipulations required dedication of a road right-of-way along the north side of the property; access to be provided to the property west of the site, and a 10-foot wide abandonment along 64th Street on the east side of the site. The stipulations must be met in order for the project to proceed.

Upon inquiry by Chairman Gulino, Mr. Ward confirmed that the lot-split is conditionally approved, subject to the abandonment. The lots have not yet been officially created. No new titles have been issued.

In response to a request for clarification of the process by Commissioner Heitel, Mr. Ward reported that the lot split is an administrative holding and has not yet been recorded on the property.

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Upon further request by Commissioner Heitel, Mr. Ward presented an overview of the lot sizes contained within the surrounding properties.

Commissioner Barnett inquired as to the status of the horse facility noted along the lot line. Whereupon, David White, Applicant, addressed the Commission, reporting that the horse corral was preexistent to the purchase of the property by Barbara Kerr. He presented a further overview regarding the evolution of subdivisions in the area surrounding Ms. Kerr's residence since her purchase of the property in 2000.

Upon hearing no other questions or comments,

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE NUMBER 16-AB-2005 (CASABEL 1 & 2). SECONDED BY COMMISSIONER BARNETT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

4. 9-AB-2005 (Miller Property)

Mac Cummins presented the case. Highlights of the presentation included: an overview of the Applicant's request to abandon 3 feet of GLO easement on the eastern side of the subject property, aerial photos, and notes regarding the key issues of access, impact and nonconformance. Staff recommends approval.

In response to a request by Commissioner Heitel, Mr. Kercher addressed the Commission. Commissioner Heitel further requested clarification of the change in staff opinion regarding an agreed upon circulation plan for this rural character area and queried why the process was approved at staff level without further outreach. Mr. Kercher confirmed that Mr. Heitel's statements are correct and explained that this was a plan that was agreed to by the property owners in the area several years ago. He further explained that when the City developed the local area master plans, the previously adopted plans were incorporated into the LAMPs plans. This is essentially the plan followed by the City.

Mr. Kercher further explained that at the time this plan was developed in the LAMPS plan, Miller Road was classified as a minor collector street for this area. And with the adoption of the streets master plan by Council, the classification was downsized to a local collector street. It is not identified as a minor collector on the streets master plans, so it is considered a local collector. Staff anticipates that the existing pavement and two lanes will remain. And in terms of the access, this plan attempted to provide access to those parcels along the east side of Miller via cul-de-sacs, but with the down classification, and the review of the circumstances in this case, staff felt appropriate in supporting the Applicant's request to develop without cul-de-sacs and have access from Miller. Currently the lot does have access to Miller. Staff has not acquired the other portions of the cul-de-sac from the other lots to complete that cul-de-sac.

Mr. Kercher further noted that additional consideration in evaluating the current plan was given to the lot to the north, Lot 62, which contains a wash on the southern portion. The owner of that property would be forced to access over the wash, which staff felt would be better served via access from Miller from the north.

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Mr. Kercher explained that as far as the process, there is notification, a public hearing, and a hearing by City Council that generally provides the process to receive input from the neighbors. Discussions have occurred with Mr. Nelssen regarding the case, and staff is aware of the concern that changes to this plan could increase traffic in the area, which currently seems to be the primary concern of neighbors.

Mr. Kercher acknowledged that staff agrees to do a better job of notifying the residents in the area with any future abandonments, part of which will be addressed via Master Transportation Plan. The plan is to incorporate some of the local area plans into that plan, obtain feedback from the citizens and present the plan to City Council for approval.

Steve Kurth, SC Home Design, submitted the application on behalf of the owner. Mr. Kurth addressed the Commission, noting primary reasons for the request to abandon the GLO.

In response to a request for clarification by Chairman Gulino, Mr. Cummins reported that the fence is actually located inside the GLO easement and the structure itself is inside of the setback area.

Tony Nelssen, 78th Street and Redbird, addressed the Commission on behalf of the Desert Property Owners Association by remarking that this case is another example of asking forgiveness instead of permission. He opined that the City created the problem by allowing the fence to be built in the setback, expressed disappointment with the public outreach process, expressed opposition to GLO abandonments until the master trail plan is implemented, and opined that this case is a variance request. In summary, he requested that the Commission deny the request and require that the Applicant obtain a variance.

Clint Frederick, 7807 East Overland Way, addressed the Commission. Mr. Frederick responded to comments presented by Mr. Nelssen and expressed support for abandonment of the GLO easement and of Cave Dale cul-de-sac, noting that the transportation needs have changed since the plan was devised. Mr. Frederick further expressed favor for abandonment of all GLO easements.

Commissioner Schwartz referred Mr. Cummins to attachment number 3 and requested identification of the particular easement area in conflict with the plans to add to the existing structure. Mr. Cummins explained that the principal issue is the setback measured from GLO easement line. He noted a prior provision in the zoning code that prevents adding on to a structure if one is nonconforming for any reason. In response to further inquiry by Commissioner Schwartz, Mr. Cummins confirmed that there are no plans to extend the roadway by three feet, and the trail is within the 30-feet of existing City right-of-way on the western side of the street. The cul-de-sac is being abandoned because access is provided off of Miller.

In response to requests for further clarification regarding the intended use of Miller Road pursuant to the previous plan, Mr. Kercher reported that a provision granted the Applicant access to Miller Road on a temporary basis, which would

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be removed upon completion of the cul-de-sac. Mr. Kercher clarified that Lots 60 and 61 were developed without dedication of property to the cul-de-sac. Lot 62 is undeveloped and faces the issue of crossing the wash. Commissioner Schwartz queried the status of nonconformance of Lots 60 and 61 with regard to the required dedications and opined that properties in the area have some rights to right-of-way. He further opined that this is an outstanding issue that needs to be evaluated and addressed.

Commissioner Steinke requested clarification of the process in which the proposed street circulation plan/map was officially adopted or accepted, as well as the status of the documentation. Mr. Kercher explained that the plan was developed at the time that the water lines were installed in this area. The plan was agreed to by all of the property owners in the area. Staff views the plan as the adopted plan; however, whether the plan was ever presented to an official body of the City for approval, is unknown. The plan has been adopted by the Transportation Department, has been used since its inception as the plan for the area and has been incorporated into the local area master plans, as is.

Commissioner Steinke remarked that the meeting is discussing a map that was adopted superficially, without official action.

Mr. Nelssen addressed the Commission, noting that the map was challenged by Mr. Spiro and was approved by City attorney, David Pernard, who stated that it was perfectly legal for the map to be used by the Transportation Department. He stated that there is a document on file that legitimizes this traffic circulation plan.

Upon a request for clarification by Commissioner Schwartz regarding Mr. Nelssen's opposition, Mr. Nelssen reiterated points previously stated.

Commissioner Heitel noted that he is generally very supportive of many issues that Mr. Nelssen presents to the Commission. He remarked that people would not be building walls in easements if the City required easements on site plans, the lack of which then requires public time and money to fix the problems. He stressed that if a site plan required easements on it and there was a GLO easement shown on the site plan, regardless of what one thinks about GLO's, someone would likely not build in the easement until they have dealt with abandoning the easement. He further noted that the City has created hardships for property owners and this case would appropriately be heard as a variance request as opposed to an abandonment. On the other hand, it is difficult to deny the request and require that the Applicant incur additional expenses and time. Noting further that connection to Miller Road was not contemplated under the previous circulation plan, he will support the abandonment.

Chairman Gulino summarized that there are three parts involved in this case: a 3-foot abandonment on Miller Road, a 25-percent circle on the cul-de-sac to abandon, and a 33-foot abandonment of GLO. Chairman Gulino expressed that he has no problem with the abandonment along Miller Road. Relative to the cul-de-sac, the City has lost the opportunity to install a turn-around in that location; he therefore supports the abandonment of that piece. Relative to the GLO easement on the north side of the property, the abandonment seems to conform

with what the apparent LAMP study promoted for the area. Based upon the noted reasons, Chairman Gulino supports the abandonment in its entirety.

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE 9-AB-2005 (MILLER PROPERTY). SECONDED BY COMMISSIONER HEITEL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

6. 17-UP-2005 (Circle K)

Kira Wauwie presented the case per the staff packet. Highlights of the presentation included a map depicting nearby gasoline stations, aerial photo, an overview of the zoning history, the site plan and elevations, an overview of the criteria for granting a conditional use permit, and the landscape plan. Staff is recommending approval, subject to the stipulations outlined in the packet.

Ms. Galav acknowledged questions by Commissioner Heitel regarding notification of additional parties and reported that in-fact several interested parties were notified, including the Coalition of Pinnacle Peak and the Cache at McDowell Mountain Ranch, McDowell Mountain Ranch, and the Ridge Homeowners Associations.

In response to inquiry by Commissioner Steinke, Ms. Wauwie reported that the McDowell Mountain and Thompson Peak Road and the 94th and Bell sites are located within ESL.

Referring to the stipulations regarding the landscape plan, Commissioner Barnett noted the lack of specific details regarding coverage issues. Ms. Wauwie informed that the refined details of the landscape plan would be considered at the Development Review Board.

Commissioner Barnett noted the request for 10 fueling bays and questioned whether input has been received regarding the size of the proposed facility. Ms. Wauwie reported that during a drive through the community, she noted that the more recently built fueling stations are larger; some with 9 bays, some with 12 bays; some with 6. Commissioner Barnett expressed interest in hearing what the community has to say about the project.

Commissioner Heitel referred to the map and noted the appearance that staff went through a great deal of effort to ensure that a number of neighbors were not adversely affected by a fairly heavy commercial use. He then questioned what benefit staff felt this additional gas station, one mile from an already approved station, brings to a generally residential neighborhood. Ms. Wauwie noted: the distribution over distance for locating gasoline service stations and a range of the community is well-served by this type of service.

Commissioner Heitel noted that most of the commodities sold in the store would also be available at the local Bashas and questioned the need for an additional store at the location. Ms. Wauwie stated that a convenience store provides a different type of service; a place where one can quickly enter and obtain goods.

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Chairman Gulino expressed that it would be helpful to reference the ultimate development of the PCC zoning area and requested that the site plan for the entire shopping center be presented to the Commission.

Claire Abel, 702 East Osborn Road, on behalf of Circle K, addressed the Commission. In response to inquiry by Chairman Gulino, Ms. Abel confirmed that the planned building to the south will be leased by Osco.

Highlights of Ms. Abel's presentation included a history of developing retail in the area and a brief overview of the history of Circle K's purchase and development of the site. She noted that this site was identified for a gas station as early as 1992 and is contained in a planned community center. She addressed the design of the proposed building, the materials to be used in the project, and the management practices.

In response to request by Commissioner Heitel, Ms. Abel reported that the proposed hours of operation are 5 a.m. to 11 p.m.

Ms. Wauwie confirmed that the Sam's Club location maintains 8 fueling pumps with service on each side for a total of 16. Commissioner Barnett noted that the proposed facility is in a neighborhood and the installation of 10 pumps will promote a high intensity use product. He requested that the Applicant justify the number of proposed pumps and their willingness to explore the possibility of developing a smaller gas station.

Ms. Claire indicated the presence of Greg Axel from Circle K Corporation, who will address the Commission regarding those questions. Chairman Gulino requested that Mr. Axel reserve his comments until after public testimony.

Todd Heroldt, resident of McDowell Mountain Ranch, 10255 East Verbena Lane, addressed the Commission. Mr. Heroldt expressed opposition to development of the gas station, noting concerns related to traffic congestion and the type of destination that Circle is. He noted a vast list of commercial uses for the property, many of which are without requirement for a special use permit.

Kelly Stehley, 10256 East Verbena Lane, expressed opposition towards Circle K. She reported that the map does not accurately reflect that there are 32 gas stations within a five-mile radius of the proposed site, 120 gas stations within a 10-mile radius and 150 within a 15-mile radius and opined that an additional gas station is not needed in the neighborhood. She suggested that the land currently for sale at 94th and Bell Road, which is already approved for a gas station, is a more appropriate location for the proposed development.

In response to inquiry by Commissioner Schwartz regarding the petitions, Ms. Staley confirmed that she circulated the petitions and the signors of the petitions own property in the neighborhood.

Mike Stehley, 10256 East Verbena Lane, Scottsdale, thanked the Planning Commission for their time to discuss the proposed gas station and the neighborhood. Mr. Staley expressed strong opposition towards the gas station

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and opined that it is wrong for the location, specifically because of safety issues. He noted that police records indicate the following criminal activities at gas stations: theft; attempt to locate DUI; fraud; impound vehicle; disturbance, both music and individuals; shoplifting; indecent exposure; intoxicated subject causing a disturbance; fighting; loitering; panhandling; assault; cruelty to animals; welfare check; burglary; strong-arm robbery; fire; liquor violation; urinating in public; illegal parking; armed robbery; misconduct with a weapon; sounds of shots heard; and possession of drugs.

Radley Masinelli, 10248 East Verbena Lane, addressed the Commission. He expressed appreciation for Circle K's efforts in reaching out to the community and pointed out differences between the proposed location and the Gray Hawk location. He requested that the Commission consider the individual homeowners with the added traffic, noise and safety concerns during deliberations considering the proposal.

Leah Reynolds, 10263 East Jasmine Drive, thanked the Commission for the opportunity to address the issue. Ms. Reynolds addressed changes to the Thompson Peak Parkway since moving into her home, questioned the benefit of the proposed project and expressed strong opposition toward the development of Circle K in the neighborhood.

Anthony Ferrara, Verbena Street, retired architect, expressed opposition toward the project, reiterated points presented by Ms. Reynolds, as well as concerns regarding the landscaping plan.

Upon invitation for rebuttal by Chairman Gulino, Ms. Abel presented an overview regarding the public outreach performed in relation to the proposed project and explained that the landscape buffer on the eastern and northern boundaries is NAOS, which includes restrictions to landscaping in that area.

In further discussion with Ms. Abel, Commissioner Schwartz clarified that the Board of Directors of the McDowell Mountain Homeowners Association did not respond to the request to discuss project plans and have taken no stance regarding the application.

Commissioner Barnett requested feedback on the Applicant's position regarding the amount of opposition towards the proposed project. Ms. Abel stated that a master planned community needs to contain a variety of uses and it is unfortunate that the residential component is developed prior to the commercial components. She opined that the proposed project is the right use for the site. Commissioner Barnett remarked that Ms. Abel's response cited the benefits to the owner but failed to address the benefits for the community. He further noted that many applicants pull their projects when faced with similar amounts of dissent. Ms. Abel reported that the Applicant had no information about the signatures and the petition prior to the meeting.

Jeff Haxel, Arizona Region Vice-President, addressed the Commission. Mr. Haxel noted that Circle K has been a part of the community for over 50 years.

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Christen Cruzmark, Director of Loss, Prevention and Safety, addressed the Commission regarding the crime statistics, opining that the remarks previously presented to the Commission, are false evidence appearing real. She acknowledged that parts of Scottsdale have some crime issues but noted that the clientele of a neighborhood store is generally the area homeowners and do not have the crime that neighbors fear they will experience.

Upon request by Chairman Gulino, Jeff Haxel addressed the Commission to explain the justification of 20 fueling pumps at the site. He reported that traffic counts largely drive what are believed to be through-put numbers with fuel volume, which dictates the number of pumps at a location. Chairman Gulino clarified that the projected traffic counts are derived from the intersection.

Commissioner Barnett questioned whether or not Circle K is amenable to reducing the number of pumps. He noted that the pump station is larger than the Sam's Club location, which is in industrial zoning and the location is nothing similar to neighborhood station located at Gray Hawk. Commissioner Barnett noted that the intensity of use is what conditional use is all about and expressed that he could not support a proposal for 10 pump stations at the proposed location.

Mr. Haxel noted that Circle K's economics are driven by the capital to be invested in the property and the asset itself, combined with the estimate of the traffic count and the use of the store. He reiterated points previously stated regarding the traffic counts and argued that the proposed number of pumps are necessary to meet capacity needs.

Commissioner Schwartz queried the number of pumps maintained at the GIANT station on Thompson Peak Parkway. Mr. Haxel estimated that there are eight pumps at the location. Ms. Wauwie confirmed that the station is now Shell and contains 6 pumps for a total of 12 stations.

Commissioner Steinke requested clarification from staff regarding signage requirements in ESL overlays. Ms. Wauwie explained that this particular facility is a gasoline service station and could have canopy signs, unless otherwise stipulated. This facility could have the standard signs that have the pricing with the name. Ms. Wauwie noted that she is not aware of any limitations on the site that would prevent free-standing signage.

Commissioner Steinke noted that signage is one concern and further expressed disappointment with the outreach that was performed. As an aside, he noted that he is a Circle K user and would not characterize them as being anything but good neighbors. Furthermore, he noted that the particular location is visually a unique intersection and expressed concerns from a visual standpoint with the size of the proposed canopy, as well as the signage. Commissioner Steinke echoed Commissioner Barnett's comment regarding the lack of neighborhood support for the project and for that reason, cannot support the project as it is presented.

Commissioner Schwartz noted the processes of obtaining information via public outreach as well as the difficulty in judging a case based upon petitions. He stressed the importance of ensuring that signors on petitions are both a

registered voter and a property owner and suggested that a process be instituted for verifying the information prior to their presentation at a public hearing.

In response to a request for confirmation by Commissioner Heitel, Mr. Haxel indicated that the proposed number of pumps is typical but the store is smaller than preferred.

Commissioner Heitel requested that Ms. Stehly confirm, for the record, that the signatures solicited were from residential houses in the community she resides in. Ms. Stehly affirmed that the statement is correct.

Commissioner Schwartz clarified that his concerns relate to the information presented to the Planning Commission prior to the making of a recommendation and the lack of accompanying information confirming that the people are property owners. He opined that a petition against a particular project should identify whether the signor is an owner, with a vested interest in the neighborhood and pays taxes in Scottsdale

Chairman Gulino identified that his concerns relate to the orientation of the site plan and questioned the Applicant's willingness to reverse the site plan, resulting in a change in the orientation of the gas pumps. Mr. Haxel stated that the Applicant would evaluate the suggested possibility.

Chairman Gulino expressed disappointment with the lack of information provided to the Commission regarding the context of what is going on around the site. To make a clarification, Chairman Gulino noted that the PCC zoning occurred on the site in 1992, which did not include an entitlement for a gas station.

In response to inquiry by Chairman Gulino regarding the C-2 zoning across the street, Ms. Wauwie reported that a concept plan, that is not yet approved, calls for a drug store and some in-line shops.

In response to various questions by Chairman Gulino, Ms. Wauwie noted that signage is addressed as an administrative review by staff; and is regulated by ordinance. The hours of operation are not currently part of the application and will need to be addressed by stipulation.

Chairman Gulino stated that he does not have a problem with the proposed use in this location. He understands why people may not want the development in their back yard. He acknowledged that the location is a major intersection and opined that it makes sense to develop a gas station and a convenience store on the property. He expressed disagreement with fellow Commissioners regarding the implication of a different standard in the ESL overlay as far as gas stations are concerned. He further stated that he could support the application with modifications including establishment of the hours of operation and direction to the DRB for addressing the buffer and orientation issues.

Commissioner Heitel stated that he is heartened to hear discussions about the character of this neighborhood because there are special areas all over the City that have certain character aspects to them that do not necessarily necessitate the same rubber stamp retail on every corner, on every retail site on every street

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frontage. Clearly site plans were passed through in the past and the Applicant knew that the site plans included gas stations but no approvals. Commissioner Heitel read from the staff report: The PCC zone that approved the entitlement for this site includes businesses and professional services such as offices, animal hospitals, residences integrated with commercial and retail, services such as banks, hair salons and shoe repair shops and remarked that that is a far cry from a 20 pump gas station. He stated that Thompson Peak Parkway is a different animal than the 101 or Frank Lloyd Wright or some of the very high profile streets and offered that applications for gas stations on Frank Lloyd Wright will be forthcoming in the very near future. He opined that the Applicant is a great participant in the retail business in this community but expressed that there is current opportunity to maintain a certain character to this area, where there is not a demonstrated need for a fueling station. He therefore cannot support the application.

**COMMISSIONER HEITEL MOVED TO DENY CASE 17-UP-2005 (CIRCLE K).
SECONDED BY COMMISSIONER STEINKE.**

Commissioner Schwartz opined that the project needs additional work between Circle K and the neighborhood to discuss orientation of the buildings, hours of operations, and facilitate better public outreach. He noted that Circle K has been a leader in the community but the Commission wants something different than what is seen in every other city. He encouraged the Applicant to prove to the community that they have something extra special to add and that they care about the neighbors.

Commissioner Barnett expressed that he will vote against the application in agreement with comments presented by Commissioner Heitel. However, he also agrees with Commissioner Schwartz and does not believe that enough homework has been completed. He opined that the site is a not a bad site; however, the intensity visa is too high and the application lacks information regarding the landscaping, the architecture or the buffers. He noted that he would vote against the project, but encouraged the Applicant to work out some of the issues and return to Commission.

Discussion ensued among Commissioners regarding the motion to recommend denial versus a motion recommending continuation.

Commissioner Heitel expressed appreciation for Commissioner comments but suggested that a no vote recommendation to the City Council might provide the absolute opportunity and motivation for the Applicant to dig down very deep and consider the option of designing a neighborhood center that is compatible with a very residential area or decide to remain with a very commercial type of site and take their chances with Council. He further noted that a denial is indicative of the very strong concerns of the neighborhood and present the Applicant with an opportunity to amend prior to approaching Council.

**THE MOTION TO DENY CARRIED WITH A VOTE OF FOUR (4) TO ONE (1)
WITH CHAIRMAN GULINO DISSENTING.**

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WRITTEN COMMUNICATION

None.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 7:41 p.m.

Respectfully submitted,
AV-Tronics, Inc.

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